

HOUSE BILL 1066

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2001 Regular Session
1r2318

By: **Delegates Stull, Amedori, W. Baker, Bartlett, Bohanan, Brinkley,
Clagett, Conway, Donoghue, Edwards, Elliott, Hubbard, Klausmeier,
McClenahan, McKee, Owings, Rudolph, Shank, Snodgrass, Stocksdales,
and Weir**

Introduced and read first time: February 9, 2001

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Soil Conservation Districts - Sediment and Erosion Control - Inspection**
3 **Fees**

4 FOR the purpose of authorizing the Secretary of the Environment to authorize a soil
5 conservation district to inspect sites for compliance with grading and sediment
6 control plans; prohibiting the Secretary from authorizing a soil conservation
7 district to inspect certain sites; authorizing a soil conservation district to
8 establish a fee system under certain circumstances; and generally relating to the
9 authority of soil conservation districts to inspect sites for compliance with
10 grading and sediment control plans.

11 BY adding to
12 Article - Environment
13 Section 4-103(f)
14 Annotated Code of Maryland
15 (1996 Replacement Volume and 2000 Supplement)

16 BY adding to
17 Article - Agriculture
18 Section 8-306(a)(19)
19 Annotated Code of Maryland
20 (1999 Replacement Volume and 2000 Supplement)

21 BY repealing and reenacting, with amendments,
22 Article - Agriculture
23 Section 8-306(a)(19) through (21)
24 Annotated Code of Maryland
25 (1999 Replacement Volume and 2000 Supplement)

1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article - Environment**

4 4-103.

5 (F) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE SECRETARY,
6 BY CONTRACTUAL AGREEMENT, MAY AUTHORIZE A SOIL CONSERVATION DISTRICT
7 TO INSPECT SITES FOR COMPLIANCE WITH APPROVED GRADING AND SEDIMENT
8 CONTROL PLANS.

9 (2) THE SECRETARY MAY NOT AUTHORIZE A SOIL CONSERVATION
10 DISTRICT TO INSPECT SITES OVER WHICH A COUNTY OR MUNICIPALITY HAS BEEN
11 DELEGATED ENFORCEMENT AUTHORITY UNDER SUBSECTION (E) OF THIS SECTION.

12 (3) (I) A DISTRICT AUTHORIZED TO PERFORM INSPECTIONS UNDER
13 THIS SUBSECTION MAY ESTABLISH A FEE SYSTEM PROVIDING FOR THE ASSESSMENT
14 AND COLLECTION OF INSPECTION FEES ON ALL SITES IN THE DISTRICT WITH
15 APPROVED PLANS.

16 (II) THE FEES SHALL BE BASED ON THE REASONABLY
17 ANTICIPATED COST OF INSPECTIONS TO BE PERFORMED UNDER THE CONTRACTUAL
18 AGREEMENT.

19 (III) THE DISTRICT SHALL NOT ASSESS AND COLLECT FEES IN A
20 JURISDICTION WHICH HAS BEEN DELEGATED ENFORCEMENT AUTHORITY BY THE
21 SECRETARY.

22 **Article - Agriculture**

23 8-306.

24 (a) A soil conservation district constitutes a political subdivision of the State,
25 and a public body corporate and politic, exercising public powers. The supervisors
26 may:

27 (19) ESTABLISH AND IMPLEMENT A FEE SYSTEM TO COVER THE COST OF
28 INSPECTING SITES WITH APPROVED GRADING AND SEDIMENT CONTROL PLANS
29 PURSUANT TO A CONTRACTUAL AGREEMENT WITH THE DEPARTMENT OF THE
30 ENVIRONMENT UNDER § 4-103(F) OF THE ENVIRONMENT ARTICLE;

31 [(19)] (20) Sue and be sued in the name of the district; have a seal which
32 shall be judicially noticed; have perpetual succession unless terminated; make and
33 execute contracts and other instruments necessary or convenient to the exercise of its
34 powers; and adopt, amend, and repeal, rules and regulations not inconsistent with
35 this title, to effectuate its purposes and powers;

1 [(20)] (21) Provide contracting services, equipment, and supplies to
2 landowners; establish prices for the sale of these items; and promulgate any rule or
3 regulation necessary to implement these powers; and

4 [(21)] (22) In addition to the powers enumerated in this title, displace or
5 limit economic competition in the exercise of any power specified in this title;
6 provided that the powers granted to a district pursuant to this paragraph shall not be
7 construed:

8 (i) To grant to the district powers in any substantive area not
9 otherwise granted to the district by other public general or public local law;

10 (ii) To restrict the district from exercising any power granted to the
11 district by other public general or public local law or otherwise;

12 (iii) To authorize the district or its officers to engage in any activity
13 which is beyond their power under other public general law, public local law, or
14 otherwise; or

15 (iv) To preempt or supersede the regulatory authority of any State
16 department or agency under any public general law.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2001.